

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MATTHEW SMYER,

Plaintiffs,

Case No. 3:20-cv-114

vs.

KROGER LIMITED PARTNERSHIP I, *et al.*,

District Judge Michael J. Newman

Defendants.

ORDER

This civil case is before the Court *sua sponte* to address Plaintiff's counsel's violation of the Local Civil Rules regarding communications directed to the Court. *See* S.D. Ohio Civ. R. 7.2(c). Written communication to the Court shall be by way of formal motion or memorandum submitted in compliance with the Local Civil Rules, unless (1) the Court specifically requests otherwise or (2) to inform the Court of settlement. *Id.* The Court takes the *Introductory Statement on Civility* in the Local Civil Rules seriously and considers improper communications directed at the Court, or Court staff, as a breach of an attorney's duty of civility and grounds to impose sanctions. Hon. Michael J. Newman, *Standing Order Governing Civil Cases*, at 1 (eff. May 13, 2021).

On May 17, 2021, Plaintiff's counsel -- prior to a previously scheduled post-discovery status conference -- sent to the Court, via e-mail, a list of outstanding discovery disputes and a request for judicial relief. Plaintiff's counsel neither moved nor noticed his request for relief on the Court's docket as required by S.D. Ohio Civ. R. 7.2(c), nor did counsel follow the necessary steps to obtain an informal discovery conferenced pursuant to S.D. Ohio Civ. R. 37.1. Such a

motion, had one properly been made, would have been untimely considering the discovery period in this case closed on May 3, 2021. Doc. No. 26. The Court finds, therefore, that Plaintiff's counsel's e-mail communication to the Court violated S.D. Ohio Civ. R. 7.2(c) and the *Introductory Statement on Civility*. Should Plaintiff's counsel informally contact the Court again, by e-mail or otherwise, -- unless specifically authorized by the Court or the Local Civil Rules to do so -- the Court will consider imposing sanctions, including, but not limited to, referring Plaintiff's counsel to appropriate attorney disciplinary authorities.

IT IS SO ORDERED.

Date: May 20, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge